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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,656	03/22/2001	Yingwei Chen	010088	4339

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BRIARCLIFF MANOR, NY 10510

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT

PAPER NUMBER

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/814,656

Applicant(s)

CHEN, YINGWEI

Examiner

Christopher Onuaku

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/7/06 have been fully considered but they are not persuasive.

Applicant argues that Bruls does not teach concurrently in claim 1, step (a), analyzing the content of said video programs to categorize (classify) said video programs into a plurality of categories (classes) is not persuasive, because in col.4, lines 24-43, Bruls clearly discloses that the system controller includes structure 53 to establish a program complexity which will be used to control the settings of the compression unit so as to set higher compression for a more complex program. Inherently, the program complexity establishes the type (or category) of the program, since all programs are not of the same complexity. The process of the establishing of the complexity of a given program includes the analyzing of the program content. And the establishing of the complexity of a given program is done when the program is received by the system controller, and the program is being processed for compression so that the program can be effectively and completely stored in a given space in the recording device. In some cases, the program complexity may have been previously established. In this case, the system controller uses this program's known complexity to set the program's compression bit rate.

The rejections are, therefore, maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4,6,8,9,11,12,14,15&18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruls (US 6,459,850).

Regarding claim 1, Bruls discloses the field and method of encoding program signals to provide compressed digital signals for the program, the method comprising the steps of:

a) receiving a plurality of video programs (see col.1, lines 5-7; Fig.2 and compression unit 22, col.3, lines 49-55), here Bruls discloses that program signals are received, and these program signals are encoded to provide compressed digital signals for thje program;

b) concurrently with step (a), analyzing the content of the video programs to categorize the video programs into a plurality of categories, and determining target bit rate for the video program according to the corresponding analysis outcome (see Fig.2; system controller 25 and col.3, line 49 to col.4, line 43 and col.6, lines 9-12); and

c) encoding the video programs based on the corresponding target bit rates determined in step c (see Fig.2; compression unit 22; col.4, lines 17-43).

Regarding claim 2, Bruls discloses the method step of storing the encoded video program in a storage device (see Fig.4, information carrier 1, read/write unit 41, read/write head 42; col.6, lines 22-63).

Regarding claim 3, Bruls discloses the method step wherein the target bit rates are determined according predetermined criteria (see col.3, line 49 to col.4, line 15 and col.5, line 27 to col.6, line 21).

Regarding claim 4, Bruls discloses the method step wherein the predetermined data is selectively changeable by a user (see col.3, lines 65-67, col.4, lines 40-43 and col.7, lines 5-22).

Regarding claim 6, Bruls discloses the method step wherein the content of the video programs is analyzed into the plurality of the categories according to an electronic program guide protocol (see col.3, line 59 to col.4, line 4), here the target bit rate is determined using the start and end time (duration) of the program. Note that determining the bit rate of a program using the start and end time of a program falls within the EPG protocol.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 1 above.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 6 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 4 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 6 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 1 above.

Regarding claim 15, Bruls discloses a control means (see Fig.2, system controller 25) for controlling the compression means (see Fig.2 and the compression unit 22) according to the compression rate determined by the determining means (see Fig.2 and system controller 25; col.3, line 49 to col.4, line 15).

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 6 above.

Art Unit: 2621

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 6 above.

Regarding claim 20, Bruls discloses wherein the storing means is selected from a group consisting of a rewritable optical disk drive, a DVD drive, a magneto-optical disk drive, and a removable hard disk drive (see col.1, lines 40-65; col.7, lines 5-22).

Regarding claim 21, Bruls discloses wherein the determining means determines what portion of the storing means remains available for storing the video information provided to determine what compression rate is used to record the video information on the storing medium (see col.3, line 57 to col.4, line 13).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 10 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruls in view of Kuroda (US 6,311,011).

Regarding claim 7, Bruls fails to explicitly disclose the method step wherein the video programs comprise conventional analog television signals, digital high definition television (HDTV), and digital standard definition television (SDTV) signals. Kuroda

Art Unit: 2621

teach a device for recording and playing data streams of audio, video and related information, including a device for displaying electronic program guide (EPG), wherein a video data stream encoded and compressed by MPEG 2 is transmitted at 6 Mbps data rate with SDTV quality or 22Mbps data rate with HDTV quality per content (see col.1, lines 15-23), and wherein the broadcast programs may be sent either analog or digital broadcasting (see col.6, lines 54-65).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 7 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claim 7 above.

6. Claims 5,13&22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruls in view of Kikuchi et al (US 6,577,811).

Regarding claim 5, Bruls fails to explicitly show the method step wherein the target rate can be directly set by a user via a remote input device.

Kikuchi et al teach a digital information recording medium having a limited storage amount and premised on variable bit rate recording, including a digital video recorder for recording and playing back information such as digital moving pictures and the like, which are compressed by MPEG, and furthermore, Kikuchi et al discloses wherein a digital information recording/playback system changes the average recording

Art Unit: 2621

rate upon recording a program of a predetermined duration in correspondence with the remaining amount of a recording medium so as to record the entire program, comprising remote controller 5 which a user can operate by operating the different function buttons of remote controller 5. When a user set up indicates a recording mode of MPEG-2, a recording average bit rate of 4 Mbps, items "MPEG2" and "4 Mbps" are displayed on display 48 (see Fig.26-28, remote controller 5, col.30, lines 11-45; and col.3, lines 1-6), here Kikuchi teaches wherein a user can use the remote controller 5 to set target bit rate of a program in a recording/reproducing system which can change the average recording rate upon recording a program of a predetermined duration in correspondence with the remaining amount of recording medium so as to record the entire program.

It would have been obvious to further modify Bruls by realizing Bruls with a remote control means for a user to set target bit rates of a program during an encoding/compression process, as taught by Kikuchi et al, in order, for example, to remotely set target bit rate of a program during an encoding/compression process.

Regarding claims 13&22, the claimed limitations of claims 13&22 are accommodated in the discussions of claim 5 above.

7. Claim17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruls in view of Kuroda and further in view of Kikuchi et al (US 6,577,811).

Regarding claim 17, Bruls discloses wherein the compression means comprises a means for compressing the digital signals (see col.4, line 58 to col.5, line 26). Bruls and Kuroda fail to explicitly disclose wherein the compression means comprises a means for compressing the analog signals. Kikuchi further teaches compressing means for compressing analog signals (see Fig.26, encoder 50 which comprises analog to digital converter 52, video encoder 53, audio encoder 54 and sub-picture encoder 55; col.26, lines 46-58).

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

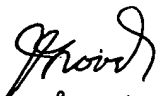
Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


COO

3/2/07.


James J. Groody
Supervisory Patent Examiner
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